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Previous References

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Part B for Jan 1929

SUBJECT

Instructions re the persistent evasion by the Chairman and Secy, Bagnellipura V. P to carry out the D.C's order revising the resn of the V. P to entrust the collection work to the Secy & directing the Shanbhogue to attend to the collection work of the Panchayet

Sl 2

To the D.C, Hassan.
Copy to R.C.

States that the suggestion of the panchayet that the Secy of the Panchayet may do the collection work may be approved :-

A.N.
..1.29.

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General and Revenue
Secretariat.

V.P. File No. 48 of 1928.

Serial No. 1.

From the Deputy Commissioner, Hassan Distric
No.C.579-26 dated the 5th November 1928.

Requests instruction of Government in the matter of the persistent evasion by the Chairman & Secretary of the Bageshpur Village Panchayet to carry out his order revising the resolution of the Panchayet to entrust the collection work to the Secretary and directing the shanbgogue to attend to the collection work of the Panchayet.

The Deputy Commissioner of Hassan reversed the resolution of the Bageshpur Village Panchayet in regard to entrusting the collection work to the Secretary and in pursuance of G.O.No.L.548-57/V.P.1-27-16 dated 27th July 1927 directed that the shanbogue should attend to the collection work. The Chairman and Secretary of the Panchayet are reported to evad handing over the charge of the accounts. The Amildar wanted a search warrant to seize the accoun but the Deputy Commissioner finds that there is no provision in the Village Panchayet Regulation for either authorising a search warrant or for superseding the Panchayet for disregard of his orders and he has sought instructions of Government in the matter.

x Page 182 the Manual of V.P. Rules

2) The G.O. referred to by the Deputy Commissio states that "collection work in Panchayets will be entrusted to local Patels and Shanbogues and the usual [illegible] paid to them whenever necessary" and does not authorise the Deputy Commissioner to set

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2.

Panchayet Regulation and the rules issued thereunder Under Section 34 of the Village Panchayet Regulation it is the Panchayet that is competent to employ such officers and servants as may be necessary subject to the rules prescribed and under rule 26 of the rules issued under Notification No.L.3606 L.B.26-26-101 dated 3rd December 1926, the Secretary is responsible for the preparation and maintenance of the registers. accounts and records of the Panchayet. The G.O. relied upon does not authorise the Deputy Commissioner to force the shanbogue on the Panchaye and override the provisions of the Village Panchay Regulation.

Page 9 of the Manual of V.P Rules.

3. Submitted for orders.

19/11/28

4 The action of the Village Panchayet in trying to evade the orders of the D.C. does not seem to be justified. It is true that under Sec. 34 of the V.P Regulation a Panchayet may employ such officers and servants and shall assign to them such pay allowances [illegible] pensions and contributions [illegible] as may be necessary. This is however subject to such rules as may be framed by Government

NOTE—Contn. Sheet.

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in this behalf.

5. Govt. have framed rules and in Rule 21 of the rules referred to in the G.O. above it is laid down that the Secretary shall act under the general control of the Chairman and be responsible for the preparation and maintenance of all registers and accounts and records of the Panchayat. This is confirmed under G.O. Mis No. 1364 - L.B./26-26-10 of 3rd Dec 1926. In an order of 23rd June 1927 however Govt. have also ordered that collection work will be entrusted to local bodies' shanbhogs & the usual fees paid to them whenever necessary.

If the mere maintenance of accounts enjoined on the Panchayats is construed to include collection work also then there will be some conflict of orders. The accounts referred to in rule 21 have perhaps to be construed as referring to other accounts than collection accounts as in the order of June 1927 ~~[illegible] [illegible] [illegible] [illegible]~~ which [illegible] not [illegible]

NOTE—Contn. Sheet.

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in the form of a notice — yet it is meant to have as much effect as if it formed part of the rules, I have directed that the Collection work should be entrusted to the Patels & Shanbhogs whenever necessary.

7 The D.P. as the chief controlling authority under Sect 43 has found it necessary to require the work being done by the Shanbhog ~~[illegible]~~ and hence it seems that the Panchayat has to carry out his instructions, failing which it has perhaps to be construed that the V.P. has abused its powers in requiring the Secretary to attend to the work instead of the Shanbhog

8) If this view is accepted the D.P.C. may after issuing a notice to the Panchayat & hearing the same may supersede it under Sect 54 (1) of the Regulation.

9) The Legal Remembrancer may perhaps be also consulted. ~~[illegible]~~

10) There is no power under the V.P. Regulation to issue search warrants in such cases. In the Cr. P. Code Sect 261 provides for the

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General and Revenue Secretariat.

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CHIEF SECRETARY,
22 NOV. 1928

production of such accounts. Some such provision may be considered as regards V. P. accounts also (Ch Secy) ND 21/11

11) I do not mean that the order entrusting collection work to Patels and Shanbhogs was intended to be enforced in every case without reference to local conditions or the wishes of the Panchayets. If in the present case the Panchayet ~~wishes~~ desires to make other arrangements consistent with the Regulation and Rules, it may be permitted to do so

12) It is scarcely necessary to empower Dy Commrs to issue search warrants etc for the production of Panchayet accounts any more than for the production of municipal or D. B. accounts. The Dy Commr has wide powers of control over village Panchayets (including the power of supersession). This control should be exercised from without rather than from within. In other words, he should not interfere too much in the details of internal management. The Dy Commr (and even the Amildar) have wide powers

can have access to the books and records of village Panchayets and if they are not produced it would clearly be a case of disobedience justifying the supersession of the Panchayet Section 48

13) When once the Panchayet is superseded, the property of the Panchayet (including books and records) vests in the Dy Commr and any one refusing to give possession thereof can be prosecuted. Section 54 (2)

14) I do not think any special powers need be given to Dy. Commrs to ensure production of Panchayets accounts etc before them.

15) Forwarded to Law Dept. for opinion

24/11

22/11

Law 27/11

16) I agree with the conclusion. D. C. has no doubt power to superintend the working of the Panchayet & can have access to their books with a view to satisfy himself as to their correctness. In this particular case, he can satisfy himself whether the appointment of a Secretary to maintain accounts etc has led to any irregularity or to misappropriation of funds or to any abuse of power by the Panchayet. If he finds sufficient reasons, he has power to supersede the Panch-

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17 It is not incumbent upon the Panchayets to entrust the collection work to a Shanbogue. G.O. only [illegible] lays down instructions for the guidance of D.C. to entrust the collection work to Shanbogues & to Patels in suitable cases.

18) If the Panchayet can make satisfactory arrangement to collect its revenues without incurring extra cost, D.C. has to uphold its action instead of unnecessarily interfering with its internal management.

19 In this view of the case, I am of opinion that the power of ordinary [illegible] warrant may not be given to D.Cs. as there are ample provisions both in the Regn. [illegible] & rules to exercise their powers of supervision & control over the Panchayets.

L.S.G.B.)

Chief Secy
with compts.

Ch.S.

CHIEF SECRETARY
8 DEC 1928

OFFICE OF THE SECOND MEMBER OF COUNCIL
12 DEC. 1928
No. 455

Second Member

[illegible] 11/12

20) I think the suggestion of the panchayet may be agreed to & the arrangement of the Secy doing the collection work tried for a year or two

CBK
31/12

NOTE—Contn. Sheet.

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[illegible] 8/1/29

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Serial No.

(1) Draft Submitted
4/1/29

An alternative draft (embodying the views of the memorandum [illegible] in draft) is also put up — Ch. Secy.
5/1/29

CHIEF SECRETARY
8 JAN. 1929

Thank you. The draft put up by me.
5/1/29

(2) Issue the shorter draft
16/1

2 Letter No. L4691G 22-1-29 to the D. C. of Hassan Dist.

States that the suggestion of the Panchayet that the Secy of the Panchayet may ~~[illegible]~~ the Collection work may be approved and that the arrangement may be tried for a year.

B
26/1

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

V.P.48-28-1

(No. 178

ffice of the Deputy Commissioner,
Hassan District,
ated Hassan the 5th November '28.

2023

From

S. Abdul Wajid, Esq., B.A.,
Deputy Commissioner, Hassan District.

To

R. Ranga Rao, Esq., B.A., B.L.
Secretary to Government, General Department,
Bangalore.

RR 6/11/28

6/11

9/11

Sir,

I have the honour to state that the Bageshpur Villag Panchayet in the Arsikere Taluk proposed to entrust the collection work of the Panchayet revenue to their Secretary instead of allowin the Shanbhogue of the village to do the work as before. In pursuan of instructions conveyed in Government Order No.L.548-57/V.P.1-27- dated 27-7-27, I passed an order disapproving of the proposal of the panchayet and directing the shanbhogue to attent to the collec tion work. The Amildar of Arsikere Taluk who had been directed to put the shanbhogue in charge of the collection work reports that th Chairman and the Secretary are persistently evading to handover the charge of accounts and allow the shanbhogue to do the collection, w He wants a search warrant to seize the accounts from the persons i charge of the same.

2. I find that there is no provision in the Village Panchayet Regulation authorising the issue of a search warrant as required the Amildar. Under section 54 (1) of the Regulation, the panchaye may be superseded for abuse of its powers if the disobedience of orders passed by me can be interpreted as an abuse of the powers. Or the Chairman and the Secretary may be removed from their offices for mis conduct under section 15 of the Village Panchayet Regulatio In the latter case, too, the rules are not clear as to the procedu to be adopted to take possession of the panchayet documents etc.

etc., from the office bearers.

3. In these circumstances, I request the favour of instructions in the matter. I may mention that on account of the contention of the Panchayet, the collection work is ~~ta~~ at a stand still and I request the favour of early orders.

I have the honour to be,

Sir

Your most obedient servant,

Deputy Commissioner,

Hassan District.

I.S.D.2.

11. Pl. Issued 22/1/29

V.P.48-28 2

To .

The Deputy Commissioner,
Hassan District.

Sir,

With reference to your letter No.C. 679/26 dated 5th November 1928, in regard to the collection work of the Bageshpur Village Panchayet in the Arsikere Taluk, I am directed to state that the suggestion of the Panchayet that the Secretary of the Panchayet may do the collection work may be approved and the arrangement tried ~~by~~ for a year or two. In the circumstances the question of empowering Revenue Officers to issue search warrants under the Village Panchayet Regulation does not require consideration at present.

I have etc.,

B 3/1/29
D 4/1/29

Chief Secry to Govt.

Memo No.L. 4692 Dated, 22 Jan: 1929.

Copy to Rev:.Commr: in Mysore along with a copy of the Dy. Commr's letter.

By Order,

Chief Secry to Govt.

D 4/1/29

12

To

The Deputy Commissioner,
Hassan District.

Sir,

With reference to your letter No.C.579/26 dated the 5th November 1928 in regard to the collection work of the Bagespur Village Panchayet, I am directed to state that G.O.No.L.548-57/V.P.1-27-16 dated the 27th July 1927 referred to by you only lays down instructions for the guidance of the Revenue Officers in regard to entrusting the collection work to Shanbhogs and Patels in suitable cases. If a Panchayet can make suitable arrangement for this work otherwise Govt consider it unnecessary for the Revenue Officers to interfere with such an internal arrangement.

The suggestion of the Bageshpur -- Village Panchayet that the Secretary -- might do the collection work may therefor be approved and the arrangement -- tried for a year or two.

Deputy Commissioners may have acces to the books and records of Village -- Panchayets and if they are not produced then it would be a clear case of disobedience of orders justifying the --- supersession of the Panchayet under Sec. 48 of the Village Panchayet Regulation.

Under Section 54 (2) (c) of the said Regulation the property of Panchayets will vest in the Deputy Commissione

Commissioner and any one refusing to give possession of~~f~~ the books and records can be prosecuted.

Government therefore consider that there is also no necessity to provide a special provision in the Village Panchayet Regulation empowering the Deputy Commissioner to issue search warrants for the production of documents of a Village Panchayet.

I have etc.,

DRAFT)

Chief Secry to Govt.

K.M.R.1.
5/1.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No L. 548-57—V. P. 1-26-16, dated 27th July 1927.

Village Panchayets.

Directs that the services of some literate person may be employed to keep the gisters, etc., of the —— in which there is no literate member.

READ—

Letter No. A2. C. 2131, dated the 24th February 1927, from the Deputy Commissioner, Kolar District, reporting that several Panchayets of the District contain only illiterate Panchayetdars and recommending the nomination of a literate gentleman, though living outside the limits of the Panchayet, as member and Chairman in such cases to carry on the work of the Panchayet.

2. Letter No. A2. 3823, dated the 16th March 1927, from the Deputy Commissioner, Kadur District, recommending that the Shanbhog may be appointed as Secretary to a Panchayet when there are no literate members on the Panchayet.

3. Correspondence ending with letter No. L. 3992, dated the 14th June 1927, from the Revenue Commissioner, furnishing his opinion in the matter

ORDER No. L. 548-57—V. P. 1-26-16, DATED 27TH JULY 1927.

After considering the views of the Deputy Commissioners, the Revenue Commissioner is of opinion that what is essential is that the Secretary of the Panchayet should be literate, as the responsibility for the preparation and maintenance of all registers, accounts and records of the Panchayets rests with him and that therefore the Shanbhog, though not residing in the village, may be appointed as Secretary of the Panchayet in cases in which a literate person is not available in the Panchayet limits. He recommends that the collection work of Panchayets may be entrusted to the Patels and Shanbhogs of the respective Villages and remuneration paid to them for the work at rates fixed for revenue collections.

2. Government generally agree with the Revenue Commissioner and are pleased to direct that when there is no literate member in a Panchayet, the services of some literate person, whether residing in the village or not, may be employed under Section 34 of the Village Panchayet Regulation to keep the registers and to carry on the correspondence of the Panchayet and such a person may be paid suitable remuneration.

3. Collection work in Panchayets will be entrusted to local Patels and Shanbhogs and the usual potgi paid to them whenever necessary.

N. MADHAVA RAO,
Chief Secretary to Government.

To—The Revenue Commissioner in Mysore.
The Deputy Commissioners of Districts.
The Comptroller to the Government of Mysore.

Exd.—P. R. S. N.

W D 274—GPB—535—3 8 27